

Union Calendar No. 270

108TH CONGRESS
2D SESSION

H. R. 3866

[Report No. 108–461, Parts I and II]

To amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2004

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. SWEENEY, Mr. OSBORNE, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

APRIL 2, 2004

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

APRIL 2, 2004

Referral to the Committee on Energy and Commerce extended for a period ending not later than April 27, 2004

APRIL 27, 2004

Additional sponsors: Mr. SCOTT of Virginia, Mr. COBLE, Mr. STUPAK, Mr. MEEHAN, and Mr. CASTLE

APRIL 27, 2004

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert sections 1 through 4 printed in italic and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on March 1, 2004]

A BILL

To amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Anabolic Steroid Control*
 5 *Act of 2004”.*

6 **SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID**
 7 **OFFENSES NEAR SPORTS FACILITIES.**

8 *(a) IN GENERAL.—Part D of the Controlled Substances*
 9 *Act is amended by adding at the end the following:*

10 **ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES**

11 *“SEC. 424. (a) Whoever violates section 401(a)(1) or*
 12 *section 416 by manufacturing, distributing, or possessing*
 13 *with intent to distribute, an anabolic steroid near or at a*
 14 *sports facility is subject to twice the maximum term of im-*
 15 *prisonment, maximum fine, and maximum term of super-*
 16 *vised release otherwise provided by section 401 for that of-*
 17 *fense.*

18 *“(b) As used in this section—*

1 “(1) the term ‘sports facility’ means real prop-
 2 erty where athletic sports or athletic training takes
 3 place, if such property is privately owned for com-
 4 mercial purposes or if such property is publicly
 5 owned, but does not include any real property de-
 6 scribed in section 419;

7 “(2) the term ‘near or at’ means in or on, or
 8 within 1000 feet of; and

9 “(3) the term ‘possessing with intent to dis-
 10 tribute’ means possessing with the intent to distribute
 11 near or at a sports facility.”.

12 (b) *TABLE OF CONTENTS AMENDMENT.*—The table of
 13 contents for Comprehensive Drug Abuse Prevention and
 14 Control Act of 1970 is amended by inserting after the item
 15 relating to section 423 the following new item:

 “Sec. 424. Anabolic steroid offenses near sports facilities.”.

16 **SEC. 3. SENTENCING COMMISSION GUIDELINES.**

17 *The United States Sentencing Commission shall—*

18 (1) *review the Federal sentencing guidelines with*
 19 *respect to offenses involving anabolic steroids;*

20 (2) *consider amending the Federal sentencing*
 21 *guidelines to provide for increased penalties with re-*
 22 *spect to offenses involving anabolic steroids in a man-*
 23 *ner that reflects the seriousness of such offenses and*
 24 *the need to deter anabolic steroid use; and*

1 (3) take such other action that the Commission
2 considers necessary to carry out this section.

3 **SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES**

4 **ACT.**

5 (a) *DEFINITIONS.*—Section 102 of the Controlled Sub-
6 stances Act (21 U.S.C. 802) is amended—

7 (1) in paragraph (41)—

8 (A) by realigning the margin so as to align
9 with paragraph (40); and

10 (B) by striking subparagraph (A) and in-
11 serting the following:

12 “(A) The term ‘anabolic steroid’ means any drug or
13 hormonal substance, chemically and pharmacologically re-
14 lated to testosterone (other than estrogens, progestins,
15 corticosteroids, and dehydroepiandrosterone), and in-
16 cludes—

17 “(i) androstanediol—

18 “(I) $3\beta,17\beta$ -dihydroxy- 5α -androstane; and

19 “(II) $3\alpha,17\beta$ -dihydroxy- 5α -androstane;

20 “(ii) androstanedione (5α -androstane-3,17-dione);

21 “(iii) androstenediol—

22 “(I) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-
23 5α -androst-1-ene);

24 “(II) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-
25 5α -androst-1-ene);

1 “(III) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-
2 androst-4-ene); and

3 “(IV) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-
4 androst-5-ene);

5 “(iv) androstenedione—

6 “(I) 1-androstenedione ($[5\alpha]$ -androst-1-en-
7 $3,17$ -dione);

8 “(II) 4-androstenedione (androst-4-en- $3,17$ -
9 dione); and

10 “(III) 5-androstenedione (androst-5-en- $3,17$ -
11 dione);

12 “(v) bolasterone ($7\alpha,17\alpha$ -dimethyl- 17β -
13 hydroxyandrost-4-en-3-one);

14 “(vi) boldenone (17β -hydroxyandrost-1,4,-diene-
15 3-one);

16 “(vii) calusterone ($7\beta,17\alpha$ -dimethyl- 17β -
17 hydroxyandrost-4-en-3-one);

18 “(viii) clostebol (4-chloro- 17β -hydroxyandrost-4-
19 en-3-one);

20 “(ix) dehydrochlormethyltestosterone (4-chloro-
21 17β -hydroxy- 17α -methylandrost-1,4-dien-3-one);

22 “(x) $\Delta 1$ -dihydrotestosterone (also known as 1-tes-
23 tosterone) (17β -hydroxy- 5α -androst-1-en-3-one);

24 “(xi) 4-dihydrotestosterone (17β -hydroxy-
25 androstan-3-one);

1 “(xii) drostanolone (17 β -hydroxy-2 α -methyl-5 α -
2 androstan-3-one);

3 “(xiii) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-
4 4-ene);

5 “(xiv) fluoxymesterone (9-fluoro-17 α -methyl-
6 11 β ,17 β -dihydroxyandrost-4-en-3-one);

7 “(xv) formebolone (2-formyl-17 α -methyl-
8 11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);

9 “(xvi) furazabol (17 α -methyl-17 β -
10 hydroxyandrostando[2,3-c]-furazan);

11 “(xvii) 13 α -ethyl-17 β -hydroxygon-4-en-3-one;

12 “(xviii) 4-hydroxytestosterone (4,17 β -dihydroxy-
13 androst-4-en-3-one);

14 “(xix) 4-hydroxy-19-nortestosterone (4,17 β -
15 dihydroxy-estr-4-en-3-one);

16 “(xx) mestanolone (17 α -methyl-17 β -hydroxy-5 α -
17 androstan-3-one);

18 “(xxi) mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-
19 androstan-3-one);

20 “(xxii) methandienone (17 α -methyl-17 β -
21 hydroxyandrost-1,4-dien-3-one);

22 “(xxiii) methandriol (17 α -methyl-3 β ,17 β -
23 dihydroxyandrost-5-ene);

24 “(xxiv) methenolone (1-methyl-17 β -hydroxy-5 α -
25 androst-1-en-3-one);

1 “(xxv) methyltestosterone (17 α -methyl-17 β -
2 hydroxyandrost-4-en-3-one);

3 “(xxvi) mibolerone (7 α ,17 α -dimethyl-17 β -
4 hydroxyestr-4-en-3-one);

5 “(xxvii) 17 α -methyl- Δ 1-dihydrotestosterone (17
6 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (also
7 known as ‘17- α -methyl-1-testosterone’);

8 “(xxviii) nandrolone (17 β -hydroxyestr-4-en-3-
9 one);

10 “(xxix) norandrostenediol—

11 “(I) 19-nor-4-androstenediol (3 β , 17 β -
12 dihydroxyestr-4-ene);

13 “(II) 19-nor-4-androstenediol (3 α , 17 β -
14 dihydroxyestr-4-ene);

15 “(III) 19-nor-5-androstenediol (3 β , 17 β -
16 dihydroxyestr-5-ene); and

17 “(IV) 19-nor-5-androstenediol (3 α , 17 β -
18 dihydroxyestr-5-ene);

19 “(xxx) norandrostenedione—

20 “(I) 19-nor-4-androstenedione (estr-4-en-
21 3,17-dione); and

22 “(II) 19-nor-5-androstenedione (estr-5-en-
23 3,17-dione);

24 “(xxxi) norbolethone (13 β ,17 α -diethyl-17 β -
25 hydroxygon-4-en-3-one);

1 “(xxxii) norclostebol (4-chloro-17 β -hydroxyestr-4-
2 en-3-one);

3 “(xxxiii) norethandrolone (17 α -ethyl-17 β -
4 hydroxyestr-4-en-3-one);

5 “(xxxiv) oxandrolone (17 α -methyl-17 β -hydroxy-
6 2-oxa-[5 α]-androstan-3-one);

7 “(xxxv) oxymesterone (17 α -methyl-4,17 β -
8 dihydroxyandrost-4-en-3-one);

9 “(xxxvi) oxymetholone (17 α -methyl-2-
10 hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-
11 one);

12 “(xxxvii) stanozolol (17 α -methyl-17 β -hydroxy-
13 [5 α]-androst-2-eno[3,2-c]-pyrazole);

14 “(xxxviii) stenbolone (17 β -hydroxy-2-methyl-
15 [5 α]-androst-1-en-3-one);

16 “(xxxix) testolactone (13-hydroxy-3-oxo-13,17-
17 secoandrosta-1,4-dien-17-oic acid lactone);

18 “(xl) testosterone (17 β -hydroxyandrost-4-en-3-
19 one);

20 “(xli) tetrahydrogestrinone (13 β ,17 α -diethyl-
21 17 β -hydroxygon-4,9,11-trien-3-one);

22 “(xlii) trenbolone (17 β -hydroxyestr-4,9,11-trien-
23 3-one); and

24 “(xliv) any salt, ester, or ether of a drug or sub-
25 stance described in this paragraph;” and

1 (2) in paragraph (44), by inserting “anabolic
2 steroids,” after “marihuana,”.

3 (b) *AUTHORITY AND CRITERIA FOR CLASSIFICA-*
4 *TION.—Section 201(g) of the Controlled Substances Act (21*
5 *U.S.C. 811(g)) is amended—*

6 (1) in paragraph (1), by striking “substance
7 from a schedule if such substance” and inserting
8 “drug which contains a controlled substance from the
9 application of titles II and III of the Comprehensive
10 Drug Abuse Prevention and Control Act (21 U.S.C.
11 802 *et seq.*) if such drug”; and

12 (2) in paragraph (3), by adding at the end the
13 following:

14 “(C) Upon the recommendation of the Secretary
15 of Health and Human Services, a compound, mix-
16 ture, or preparation which contains any anabolic
17 steroid, which is intended for administration to a
18 human being or an animal, and which, because of its
19 concentration, preparation, formulation or delivery
20 system, does not present any significant potential for
21 abuse.”.

22 (c) *ANABOLIC STEROIDS CONTROL ACT.—Section*
23 *1903 of the Anabolic Steroids Control Act of 1990 (Public*
24 *Law 101–647; 21 U.S.C. 802 note) is amended—*

25 (1) by striking subsection (a); and

1 (2) *by redesignating subsections (b) and (c) as*
2 *subsections (a) and (b), respectively.*

3 **SEC. 5. REPORTING REQUIREMENT.**

4 *Within 2 years of enactment of this Act, the Secretary*
5 *of Health and Human Services, in consultation with the*
6 *Attorney General, shall prepare a report to the Judiciary*
7 *Committee of the House and Senate evaluating the health*
8 *risks associated with dietary supplements not addressed in*
9 *this legislation which contain substances similar to those*
10 *added to the list of controlled substances under this legisla-*
11 *tion.*

12 **SEC. 5. REPORTING REQUIREMENT.**

13 **Not later than 2 years after the date of the**
14 **enactment of this Act, the Secretary of Health**
15 **and Human Services, in consultation with the**
16 **Attorney General, shall prepare and submit a**
17 **report to the Judiciary Committee of the**
18 **House and Senate, and to the Committee on**
19 **Energy and Commerce of the House, evalu-**
20 **ating the health risks associated with dietary**
21 **supplements not scheduled under the amend-**
22 **ments made by this Act which contain sub-**
23 **stances similar to those added to the list of**
24 **controlled substances under those amend-**
25 **ments. The report shall include recommenda-**

- 1 tions on whether such substances should be
- 2 regulated as anabolic steroids.

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